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Atty. Docket No. 1298-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:** Robert Guadagna

**EXAMINER:** Collins, Timothy D.

**SERIAL NO.:** 10/799,804

**GROUP ART UNIT:** 3643

**FILED:** March 12, 2004

**DATED:** September 21, 2006

**FOR: ANIMAL-SCARING DEVICE AND METHOD OF EMPLOYING SAME**

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Notice of Drawing Inconsistency with Specification**

Dear Sir:

In response to the Notice of Drawing Inconsistency with Specification mailed August 23, 2006, please enter the drawings as hereinafter indicated.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 21, 2006

  
Karen Leon

A Notice of Drawing Inconsistency with Specification (the "Notice") dated August 23, 2006, issued in the above-identified application. The Notice indicated that an inconsistency exists between the replacement drawings submitted October 25, 2005 and the Brief Description of the Drawings in the specification. Specifically, Fig. 5 is listed in the Brief Description of the Drawings in the specification, but is not contained in the Drawings.

The inconsistency exists because the replacement drawings submitted on October 25, 2005 unintentionally omitted Fig. 5.

Also, upon review of the Notice, in addition to the absence of Fig. 5, Applicant became aware of several other inconsistencies with regard to the reference numbers displayed in drawings submitted October 25, 2005.

Applicant's Amendment submitted October 25, 2005 in response to the Office Action which issued August 11, 2005 included two replacement sheets of figures. The amendment to Fig. 1 should have only included the deletion of reference numeral "50." The amendment to Fig. 2 should have only included changing reference letter "L" to "L1." However, amended Fig. 1 inadvertently omitted reference numbers 24, 30 and 53, and amended Fig. 2 incorrectly omitted reference number 54 and changed reference number 34 to 46, which is not identified in the specification. In addition, Fig. 3 omitted reference numbers 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49 and 55, and the reference number 34 in Fig. 4 was mistakenly changed to 46.

In response to the Notice, and in order to correct the omitted and inconsistent reference numbers, Applicant submits herewith, two Replacement Sheets which are the same as the two original sheets of drawings (Figures 1-5) except for the amendments to Figures 1 and 2, i.e., deletion of reference numeral "50" and the change of "L" to "L1," respectively. Accordingly, these are the only changes to the Figures that should have been made in the amendment submitted October 25, 2005.

It is respectfully requested that the Replacement Sheets, submitted herewith, be entered and the application proceed to issuance as a patent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter J. Fallon". The signature is fluid and cursive, with the first name "Peter" and last name "Fallon" clearly distinguishable.

Peter J. Fallon

Reg. No. 58,331

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